



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

August 22, 2011

Stephanie Breeden  
Bonneville Power Administration  
P.O. Box 3621, KEC-4  
Portland, Oregon 97208-3621

Re: U.S. Environmental Protection Agency (EPA) Comments on the Mid-Columbia Coho Restoration Program Draft Environmental Impact Statement (DEIS)  
(EPA Project Number: 09-043-DOE).

Dear Ms. Breeden:

This review was conducted in accordance with EPA's responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the DEIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

The proposed action in the DEIS is to implement the remaining phases of the Mid-Columbia Coho Restoration Master Plan. This would involve building a new in-basin adult holding/spawning, incubation and rearing facility on the Wenatchee River at one of two potential sites; and constructing and improving several sites in both the Wenatchee and Methow river basins for acclimating coho in key habitats in the upper portions of the basins.

EPA supports the overarching goal of restoring a locally adapted, self-sustaining, naturally spawning coho stock in the Wenatchee and Methow river basins. Our review found the DEIS to be thorough in many respects, however we did identify a limited number of questions and concerns that we believe should be addressed as the Final EIS is developed. Of principal concern is the status of the Leavenworth National Fish Hatchery (LNFH) and its role within the Mid-Columbia Coho Restoration Plan (MCRP). We recognize that the activities associated with the LNFH would occur during high spring flow, but we are concerned that these activities may be subject to constraints pursuant to the 2009 Wenatchee River Total Maximum Daily Load for Dissolved Oxygen and pH that have not been accounted for in the DEIS. We also question whether the current and future status of the Mitchell Act hatcheries included in the proposed action has been fully considered. Finally, we raise questions around the construction of the "No Action" alternative and the decision to limit the range of alternatives to one action alternative. Each of these concerns is detailed in the attached comments. Based on our analysis, we have rated this DEIS as EC-2 (Environmental Concerns – Insufficient Information). An explanation of this rating is also enclosed.

Thank you for this opportunity to comment and if you have any questions or concerns please contact me at (206) 553-1601 or by electronic mail at [reichgott.christine@epa.gov](mailto:reichgott.christine@epa.gov) or Teresa Kubo of my staff at (503) 326-2859 or by electronic mail at [kubo.teresa@epa.gov](mailto:kubo.teresa@epa.gov) .

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine B. Reichgott", followed by a small mark that looks like "for".

Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit

Enclosures:

EPA Detailed Comments on the Mid-Columbia Coho Restoration Program DEIS  
EPA Rating System for Draft Environmental Impact Statements

## **EPA Region 10 Detailed Comments Mid-Columbia Coho Restoration Program DEIS**

### **Leavenworth National Fish Hatchery (LNFH)**

The 2009 Wenatchee River TMDL for pH and Dissolved Oxygen allocates to LNFH 5.7 µg/L (maximum daily concentration) and 0.52 kg/day of total phosphorus during the critical periods of March through May and July through October. This wasteload allocation (WLA) represents a 60% reduction from 2002 levels. Because nutrient data were not included in the DEIS for the LNFH<sup>1</sup>, it is not clear whether those nutrient reduction goals are being met. If phosphorous levels cannot be maintained at levels at or below the WLA, the TMDL provides zero further allocation for growth in lower Icicle Creek.

In Table 3-3, the DEIS estimates that under the proposed action, 100,000 fish would be acclimated at LNFH, and that this would result in a total phosphorous load of .032 kg/d. That represents 6% of the wasteload allocation. In phase two of the program (the natural production phase), the numbers of smolts released program-wide would increase from 1.5 million to 2.16 million for three years (page ES-5). It is not clear whether LNFH would see an increase in the number of fish released during this phase. We recommend that the FEIS clarify whether the LNFH would acclimate and release additional fish during the natural production phase, and whether the LNFH could meet its WLA targets through all phases of the proposed project.

Finally, we note that in discussing water quality impacts, the DEIS repeatedly notes that impacts from phosphorous in effluent would be undetectable downstream in the sections of the river that are water quality limited<sup>2</sup>. We do not question the accuracy of this statement, but we do note that in the case of LNFH, the draft 401 Certification issued by the Washington Department of Ecology did not authorize mixing zones for any parameters. Therefore, the FEIS should discuss pollution concentrations at the source rather than downstream.

### **Recommendations:**

- We recommend that the FEIS clarify whether the LNFH would acclimate and release additional fish during the natural production phase.
- The existing NPDES permit for the LNFH expired in 1979. We recommend that the FEIS discuss the current status of NPDES permitting, CWA 401 certification and TMDL implementation. This should include an assessment of the ability of the LNFH to meet its WLA targets through all phases of the proposed project.
- We note that while existing NPDES discharge reports do not contain nutrient data, nutrient data have been collected in association efforts to issue a new NPDES permit for the LNFH. We recommend that BPA work with LNFH operators to incorporate that data into the FEIS.
- The FEIS should recognize that the State of Washington has not authorized a mixing zone for LNFH. The analysis should therefore demonstrate that all WLAs can be met at the point of discharge rather than downstream.

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<sup>1</sup> MCRP DEIS page 3-13

<sup>2</sup> MCRP DEIS Pages ES-11, 3-2, 3-18

### **Mitchell Act Hatcheries**

Two of the hatcheries proposed for incubation/rearing (the Cascade and the Willard hatcheries) are funded through the Mitchell Act. In July of 2010, the National Marine Fisheries Service (NMFS) released a Draft EIS to inform Columbia River basin hatchery operations and the funding of Mitchell Act Hatchery Programs<sup>3</sup>. One of the alternatives explored in that EIS would eliminate all Mitchell Act hatchery funding and close all Mitchell Act-funded hatchery programs. Because NMFS has not yet issued a Final EIS and Record of Decision, the policy direction that NMFS will pursue cannot be known. It is not clear from the Mid-Columbia Coho Restoration Program (MCRP) EIS whether this issue has been explored with NMFS. The MCRP DEIS also makes reference to sharing the rearing costs of the current program with NMFS, and states that if the proposed action is implemented, cost sharing is expected to continue (page 2-27). It is not clear, however, whether that cost share is funded through the Mitchell Act.

#### **Recommendations:**

- We recommend that the FEIS clarify the extent to which BPA has coordinated with NMFS with regard to the status of Mitchell Act Funded Hatcheries and Programs.
- If uncertainty exists around the future of Mitchell Act funding, we recommend that that be disclosed in the document and any impacts to the proposed action be accounted for.

### **Wetlands**

The DEIS indicates that a limited amount of wetlands would be permanently impacted (3,179 square feet at the primary sites). The DEIS also states, however, a wetland delineation would be performed in 2011 that could identify other wetland habitats within proposed areas of construction.

#### **Recommendations:**

- We recommend that the FEIS update section 3.9 to reflect the results of the 2011 wetland delineation.
- If unavoidable impacts to wetlands are identified and compensation is required, we recommend that the FEIS identify appropriate compensation measures.

### **No Action Alternative**

Per 40 CFR 1502.14(c), an Environmental Impact Statement must include an evaluation of the no-action alternative. When the proposed action involves updating or expanding an existing management plan or program, the “no action” alternative is generally the continuation of the current management plan or program. The inclusion of the “no action” alternative in the EIS is required by NEPA as a basis for comparison. In the current DEIS, the “no action” alternative is essentially a “no funding alternative” where BPA would discontinue funding of the MCRP. This would result in reductions in all aspects of the current program. Because defunding the program would result in changes to the program, this alternative is not a “no action” alternative in the traditional sense. That said, we agree that it is important to the decision making process to understand the effect that defunding would have on the overall coho restoration program.

#### **Recommendation:**

- We recommend that the FEIS clarify whether any funding would be available through BPA for the MCRP in the absence of the proposed action. If zero funding would be available, that should

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<sup>3</sup> <http://www.nwr.noaa.gov/Salmon-Harvest-Hatcheries/Hatcheries/MA-EIS.cfm>

be disclosed as the basis for your rationale to not include a true "no action" alternative in the DEIS.

**Range of Alternatives**

Per the CEQ NEPA Regulations (40 CFR 1502.14), the alternatives section of a Draft EIS is required to rigorously explore and objectively evaluate all reasonable alternatives, including reasonable alternatives not within the lead agency's jurisdiction or congressional mandate. The Regulations go on to say that substantial treatment should be devoted to each alternative so that reviewers may evaluate their comparative merits. The current DEIS analyzes only one "action alternative". As such, the DEIS does not provide a clear basis for choice by decision makers and the public. We recognize that there are alternative elements incorporated within the proposed action, such as backup hatchery sites, but we encourage BPA to include a clear rationale within the FEIS as to why no additional alternatives were analyzed within the DEIS.

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.